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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,674	12/03/2003	Christopher David Baggs	2137JB.45702	5729

7590 02/21/2006  
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Houston, TX 77208-1389

EXAMINER
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EDWARDS JR, TIMOTHY

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/726,674

Applicant(s)

BAGGS, CHRISTOPHER DAVID

Examiner

Timothy Edwards, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Tubel et al '547.

Considering claim 1, Tubel discloses a well control system employing down hole network comprising, a) computing means at a control location remote from a well tree (see col 7, line 55 to col 8, line 6 and fig 1); b) a well tree means comprising: i) processing means for applying a control signals to and receiving signal from devices of the well tree (see col 8, lines 30-35 and col 9, lines 45-47); ii) means for receiving further signals associated with the operation of the well (see col 9, lines 37-41, col 13, lines 4-8 and col 14, lines 33-50); c) a bi-directional communication link between a computing means and the well tree (see fig 9); iii) the well tree further comprises a communication router coupled with the processing means and receiving means, for multiplexing from device at the well head and the further signals on the bi-directional link (see col 20, lines 9-32).

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Considering claim 2, Tubel disclose the limitation of this claim (see col 11, lines 46-56 and col 20, lines 49-52).

Considering claim 3, Tubel disclose the limitation of this claim (see col 20, lines 40-49 and col 21, lines 12-15).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tubel et al.

Considering claim 4, Tubel does not specifically recite signals for devices at the wellhead and a further signal have different protocols and different data speeds. Tubel discloses in col 9, lines 47-54 means for processing video and sound as well known in the art. Tubel discloses in col 22, lines 9-31 network protocols are many and vary in complexity One of ordinary skill in the art readily recognize different signals have different protocols and data rates (i.e. voice, data and video). Tubel discloses the use of fiber optic to communicate data, which is well known in the art to transmit data, sound and video on the same cable. Therefore, it would have been obvious to one of ordinary

skill in the art the Tubel system would have means to send signals having different protocols and different data speeds because Tubel discloses processing signals from a well bore system and it is well known in the art that signals can be sent having different protocols and different data speeds.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tubel as applied to claim 1 above, and further in view of Gardner et al '453.

Considering claim 5, Tubel does not specifically recite sending a video signal. Tubel discloses in col 9, lines 47-54 means for processing video and sound as well known in the art. Gardner teaches (see col 5, lines 30-67) the sending of digitized information signal including video data. Therefore, it would have been obvious to one of ordinary skill in the art to modify the sensing means of the Tubel system to include video signal as taught by Gardner because both systems are concern locating and identifying problems in a well bore system.

6. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tubel as applied to claim 1 above, and further in view of Laborde '082.

Considering claim 6, Tubel does not specifically recite a first communication and a second communication channel for use if the first channel fails. Laborde teaches (see col 2, lines 15-35, col 3, lines 5-8 and col 5, lines 1-5) a redundant communication

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system in a well bore system having deviated well with one or more completion zones or a multilateral well. One of ordinary skill in the art would readily recognize the use and value of redundant communication means in a well bore system because of the cost of downtime. Therefore, it would have been obvious to one of ordinary skill in the art to modify the communication link of Tubel to include a redundant communication system as taught by Laborde because both references are concern with obtaining information from a well bore system having deviated well with one or more completion zones or a multilateral well.

Considering claim 7, Tubel does not specifically recite a back-up communication arrangement between the computing means and the well for use if the system fails. Laborde teaches (see col 3, lines 48-66) a redundant communication system between a computing means and the well for use if the system fails. Obviousness is as stated in claim 6.

Considering claim 8, Tubel does not specifically recite a back-up communication arrangement between the computing means of each channel and the well for use if the system fails. Laborde teaches (see col 4, lines 19-54 and col 5, lines 1-5) a redundant communication system between a computing means and the well for use if the system fails. Obviousness is as stated in claim 6.

***Conclusion***

7. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

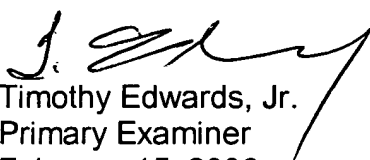
If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached at (571) 272-3068.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be fax to:

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Timothy Edwards, Jr.  
Primary Examiner  
February 15, 2006